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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

LHF PRODUCTIONS, INC., a Nevada
Corporation,

Plaintiff,

vs.

AGUSTIN BERTOLIN, an individual; MARIA
GONZALEZ, an individual; BRIAN KABALA,
an individual; JOHN KOEHLI, an individual;
DANIEL O'CONNELL, an individual;
DONALD PLAIN, an individual; DAVID
POOR, an individual; ANTE SODA, an
individual; MATTHEW STEWART, an
individual; AARON TAKAHASHI, an
individual; and JOHN AND JANE DOES, 1-10,

Defendants.

BRIAN KABALA, an individual,

Counter-Plaintiff,

vs.

LHF PRODUCTIONS, INC., a Nevada
Corporation,

Counter-Defendant.

CASE NO. 2:16-cv-02028-JAD-NJK

**ORDER DENYING STIPULATION TO
EXTEND DEADLINE FOR THE
FILING OF PETITIONS FOR
ATTORNEYS' FEES AND COSTS
RELATING TO THE COURT'S
ORDER OF DISMISSAL [ECF No.
179]**

[FIRST REQUEST]

ECF No. 182

**STIPULATION AND ORDER TO EXTEND DEADLINE FOR THE FILING OF
PETITIONS FOR ATTORNEYS' FEES AND COSTS RELATING TO THE COURT'S
ORDER OF DISMISSAL [ECF No. 179]**

[FIRST REQUEST]

COMES NOW Plaintiff LHF PRODUCTIONS, INC. ("LHF" or "Counter-Defendant") and Defendant BRIAN KABALA ("Kabala" or "Counter-Plaintiff"), by and through their respective counsel of record, and hereby stipulate and agree to extend the time for filing of petitions for attorneys' fees and costs related to the Court's Order of August 24, 2018. (the "Fee Petitions"), agreeing as follows:

1. On August 24, 2018, the Court granted Plaintiff LHF's Motions to Dismiss [ECF No. 120] in part; granted LHF's special motion under NRS 41.660 [ECF No. 136] and granted LHF's Motion to voluntarily dismiss with prejudice [ECF No. 174].

2. The August 24, 2018 invited LHF to "file separate application for fees and costs under NRS 41.670." The Local Rules of this district suggest that such an application would be due in 14 days, on or before September 7, 2018.

3. The August 28, 2018 also dismisses Plaintiff's underlying claims against Kabala with prejudice, entitling Kabala to move for its fees as a prevailing party under 17 U.S.C. § 505. The Local Rules of this district suggest that such an application would be due in 14 days, on or before September 7, 2018.

4. Kabala intends to file Motion to Reconsider granting of ECF No. 136, and will comply with the requirements of Fed. R. Civ. P. 59(e) and LR 59-1 by filing the motion within 28 days of August 24, 2018, i.e. on or before September 28, 2018.

5. This is the **First Request** for an extension on these deadlines.

6. This request is made for good cause, in good faith, and not made for the purpose of undue delay. Neither party will be prejudiced by the requested extension.

GOOD CAUSE STATEMENTS

7. LHF and Kabala both wish to conserve judicial and counsel's resources by waiting to address fees costs and other related remedies until after the motion for reconsideration

1 is addressed, as the determination of that motion may alter each party's ability to seek attorneys'
2 fees and costs, as well as the amount to be sought.

3 8. Neither LHF nor Kabala wishes to have to engage in the preparation of more than
4 one application/petition/motion, and both parties believe that it is in the best interests of the
5 parties and the Court to defer preparation and review of said petitions until after the Court rules
6 on Kabala's forthcoming motion for reconsideration of the Court's August 24, 2018 Order. [ECF
7 No. 179.]

8 9. WHEREFORE, subject to the Court's approval below, Counter-Defendant LHF
9 and Counter-Plaintiff BRIAN KABALA hereby stipulate and agree to extend the deadline for
10 LHF and Kabala to present motions, applications, or petitions of any kind regarding attorneys'
11 fees and costs, based on any applicable standard of law, until 14 days after the Court's ruling on
12 Kabala's forthcoming motion for reconsideration.

13 Respectfully submitted August 30, 2018.

14 **WEIDE & MILLER, LTD.**

KOLESAR & LEATHAM

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By: /s/ Jonathan D. Blum, Esq.

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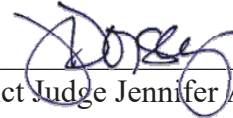
Attorney for Defendant, Brian Kabala

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ORDER

The stipulation [182] is DENIED because the court does not find good cause for this extension. Defendant/Counterclaimant Brian Kabala already filed his motion for fees and costs [184], and briefing on that motion is fully underway. Should LHF intend to file a motion for fees or costs, it has 10 days from this order to do so.



U.S. District Judge Jennifer A. Dorsey
Dated: September 25, 2018